

**TOWN COUNCIL ACTION ITEM
STAFF SUMMARY
MAY 17, 2022 COUNCIL MEETING**

DATE: May 13, 2022

AGENDA ITEM NUMBER: 5

ACTION TO BE CONSIDERED: Consideration of Ordinance No. 03-22, Series of 2022, Second Reading and Public Hearing

TIME FRAME

- Staff began working on a special events permitting process a few months ago.
- Council reviewed the draft ordinance at the April 19 work session and directed staff to prepare the final draft for their consideration at the May 3 meeting.
- Council approved Ordinance No. 03-22, Series of 2022 on first reading at the May 3 meeting and set the public hearing for May 17.

SUMMARY: This is the second reading and public hearing of an ordinance to amend the code regarding the special events permitting process. The goal is to ensure that all special events not sponsored by the Town go through an approval process.

The process will be used for any special events that are not sponsored or cosponsored by the Town. These would include:

- Bike/Running Races
- Pond Hockey Tournaments
- Disc Golf Tournaments
- Arts Festival
- Photo Shoots/Commercial Tapings
- Organized assembly of greater than 25 people on private property (if the assembly creates need for traffic control, presence of fire protection, emergency medical services, law enforcement personnel, or other town services)
- Any other proposed event by a third party organizer

Events sponsored or cosponsored by the Town would include:

- Town Concerts
- Farmers Market
- Lake Dillon Beer Festival
- Clean Up Day
- Memorial Day Service
- Dillon Open
- Marina Mutt Show
- Other Marina events

No special event permit will be issued for the Dillon Amphitheater. We currently do not rent the amphitheater for any events. The Town does sponsor events at the amphitheater including community events such as graduations and funerals and fundraising events for non-profit organizations.

The permit application will require all information needed for staff to review the proposed special event.

This code amendment provides criteria for denial including:

- False information provided
- Timeliness in applying (must be in 60 days prior to the proposed event date)
- Another permit already issued for date and time
- Safety concerns regarding traffic flow
- Size of event requires more police officers than available – can provide private security plan to allow the event to move forward
- Location will interfere with construction or maintenance work
- Event will interfere with school activities
- Event involves use of hazardous, combustible or flammable materials that create a fire hazard
- Event violates code or any law
- Failure to pay costs and fees associated with event
- Failure to obtain necessary permits as required by applicable local, state or federal law
- Failure to abide by requirements of Code or terms or conditions of any special event permit for any previous event held by applicant

The Town Manager will have the authority to impose conditions on the permit to protect the safety of persons and property and the control of traffic. The Town Manager may also require the applicant provide liability insurance and indemnify and hold harmless the Town as outlined in Section 11-9-80.

BUDGET IMPACT: The ordinance includes a \$50 application fee to cover costs associated with approving the application and determining the impacts.

ACTION REQUESTED: MOTION, SECOND, ROLL-CALL VOTE

Resolutions require affirmative votes from majority of council members present

Ordinances require four (4) affirmative votes

Emergency ordinances require five (5) affirmative votes

MOTION FOR APPROVAL: move to approve Ordinance No. 03-22, Series of 2022, an ordinance amending Chapter 11 of the Dillon Municipal Code to add a new article IX regarding special event permitting

DEPARTMENT HEAD RESPONSIBLE: Carri McDonnell, Finance Director

ORDINANCE NO. 03 - 22
Series of 2022

**AN ORDINANCE AMENDING CHAPTER 11 OF THE DILLON MUNICIPAL CODE TO
ADD A NEW ARTICLE IX REGARDING SPECIAL EVENT PERMITTING**

WHEREAS, the Town Council desires to codify regulations for certain special events within the Town of Dillon, for purposes of achieving greater efficiency in process, easing the burden on municipal resources, and protecting the public safety and welfare; and

WHEREAS, the Town Council, therefore, desires to amend Chapter 11 of the Dillon Municipal Code to add a new Article IX regarding special event permitting.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF DILLON, COLORADO:**

Section 1. Chapter 11 of the Dillon Municipal Code is hereby amended by the addition of a new Article IX, to read as follows:

ARTICLE IX
SPECIAL EVENT PERMITTING

Sec. 11-9-10.- Purpose.

Sec. 11-9-20.- Definitions.

Sec. 11-9-30.- Permit required; exemptions from Dillon Land Development Code.

Sec. 11-9-40.- Permit application.

Sec. 11-9-50.- Criteria for denial.

Sec. 11-9-60.- Issuance.

Sec. 11-9-70.- Conditions.

Sec. 11-9-80.- Insurance and liability.

Sec. 11-9-90.- Duties of permittee.

Sec. 11-9-100.- Revocation.

Sec. 11-9-110.- No rights conferred.

Sec. 11-9-10. Purpose.

This Article establishes standards for the issuance of permits for special events in the Town of Dillon, Colorado.

Sec. 11-9-20. Definitions.

The following words and phrases, whenever used in this Article, shall have the following meanings:

Building department means the building department of Summit County.

Director means the Director of the Events and Recreation Department of the Town of Dillon.

Fire code means the current version of the fire code adopted by the Town pursuant to Article VI of Chapter 18 of the Town Code.

Fire protection district means the Summit Fire & EMS Fire Protection District.

Health department means the Colorado Department of Public Health & Environment, Division of Environmental Health and Sustainability.

Leadership team means the group composed of the heads of all departments within the Town of Dillon government organization.

Public right-of-way means any street, road, sidewalk, alleyway, bike or pedestrian trail or path, or any other right-of-way owned by the Town.

Sign code means the regulations set forth in Article XI of Chapter 16 of the Town Code.

Special event means:

(A) a commercial activity involving any number of people;

(B) an organized procession or assembly of 25 or more people (1) requiring the exclusive use of all or a portion of a public right-of-way, public park, open space, trail, recreation area or other Town facility, (2) involving the temporary closure of public rights-of-way, (3) requiring traffic control, or (4) creating a public safety hazard. Examples of special events include but are not limited to, commercial photo or video recording, festivals, celebrations, carnivals, concerts, races, parades, fundraisers, fairs, camps and other similar activities; or

(C) an organized assembly of 25 or more people on private property if such assembly gives rise to the need for traffic control, the presence of fire protection, emergency medical services, law enforcement personnel, or other Town services.

Special Event does not include events sponsored or cosponsored by the Town.

Sponsored or cosponsored by the Town means an event for which the Town has provided funding, advertising, and/or in-kind services without the event organizer having paid a fee for such services.

Town Manager means the Town Manager of the Town of Dillon or the Town Manager's designee.

Sec. 11-9-30. Permit required; exemptions from Dillon Land Development Code.

A. Permit Required.

1. Any person or organization desiring to conduct a special event in the Town shall first obtain a special event permit from the Town Manager.

2. No special event permit will be issued to any person or organization proposing a special event utilizing temporary structures, including tents, unless such person or organization first obtains such other permits and approvals as may be required by applicable local, state, and federal law, including those permits required by the fire protection district and the building department.

3. No special event permit will be issued to any person or organization proposing a special event at the Dillon Marina, unless such person or organization has first obtained a permit from the Dillon Reservoir Recreation Committee.

4. No special event permit will be issued to any person or organization proposing a special event at the Dillon Amphitheater.

5. No special event permit will be issued for a special event proposed for an area for which the Town has already issued a special event permit for the same date(s), or for which there has already been scheduled a Town event or Town sponsored or cosponsored event on the same date(s).

6. No special event permit will be issued for a special event proposed for which the applicant has not first obtained all permits and approvals applicable to the event as required by federal, state, and local law, including but not limited to permits or approvals required by the fire protection district, building department, and health department.

B. Exemptions from Dillon Land Development Code.

1. Special event signage is exempt from the provisions of the sign code, including but not limited to the provisions requiring sign permits; provided that, no sign may in any way (a) obstruct the view of, or be prone to confusion with, an official traffic sign, signal or device or any other official sign; (b) obstruct the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare; (c) obstruct vehicle, bicycle, or pedestrian traffic; (d) obstruct free ingress to or egress from required doors, windows, fire escapes or other required exits; or (e) be attached to utility poles or to trees. All proposed signage must be professionally printed on a durable waterproof material; hand-drawn banners on bed sheets, fabric, canvas, or poster board are not permitted. To the extent applicable, proposed signage must comply with the requirements of the then-current Manual on Uniform Traffic Control Devices.

2. Persons or organizations granted special event permits are not required to obtain temporary structure permits pursuant to Article IV of Chapter 16 of the Town Code, provided that all proposed temporary structures must comply with all other applicable requirements of such Article, the building code, and the fire code.

Sec. 11-9-40. Permit application.

A. Any person or organization desiring to conduct a special event in the Town shall apply for a permit with the Director by filing an application on forms supplied by the Town.

B. At a minimum, the application shall include the following information:

1. The applicant's name, address, phone number, and email address;
2. The date and time of the special event, including the estimated set-up period, start time, end time and estimated break-down and clean up period;
3. A site plan showing the proposed location of the special event and any proposed temporary structures, and including a detailed map of the route, if applicable;
4. A sign plan showing the type, size, and location of all proposed event signage;
5. A traffic control plan designed by a certified traffic control supervisor in accordance with the Manual on Uniform Traffic Control Devices.
6. The nature of the event;
7. The estimated number of participants, spectators, and animals, if any;
8. The estimated number of vehicles and a parking plan;
9. A clean-up plan and trash hauler information;
10. A snow-removal plan, in coordination with the Town, if the event is planned for the winter months;
11. A description of amplified noise, if any;
12. A statement as to whether the event will involve hazardous, combustible or flammable materials and, if so, the safeguards planned;
13. A detailed breakdown of any fees that will be charged to event attendees, participants, and spectators; and
14. Any other information requested by the Town Manager relevant to either the criteria set forth in section 11-9-50 or the possible conditions that may be imposed pursuant to section 11-9-70 that will aid the Town Manager in deciding whether to issue the special event permit and under what conditions.

C. Applications for special event permits shall be accompanied by applicable fee or fees for the special event, which fees shall be set from time to time by ordinance or resolution of the Town Council.

D. Applications for special event permits shall be accompanied by all permits and approvals required by applicable local, state, or federal law.

E. Special events proposing the sale of alcohol beverages shall require a festival liquor permit or special event liquor permit in accordance with Article I of Chapter 6 of this Code, and Section 44-5-101, et seq., C.R.S. No alcohol beverages shall be sold at any event for which the proper liquor permit or license has not been obtained from the state and local licensing authorities.

F. Unless such time period is waived or modified by the Town Manager in writing, applications shall be submitted not less than sixty (60) days nor more than one (1) year before the special event. The Town Manager may, upon a showing of good cause, consider an application that is filed after the filing deadline if there is sufficient time to process and investigate the application and obtain necessary police services for the event. Good cause may be demonstrated by a showing that the circumstance that gave rise to the application did not reasonably allow the applicant to file within the time prescribed.

Sec. 11-9-50. Criteria for denial.

A. The Town Manager shall approve an application and issue a special event permit unless the Town Manager determines, upon consideration of the application and other pertinent information that:

1. Information contained in the application or supplemental information obtained from the applicant is found to be false in any material detail;

2. The applicant has failed to timely complete the application after having been notified of any additional information or documents required;

3. Another special event permit has already been issued, or an application has been received prior in time, to hold another event on the same date and time or so close in time and place as to cause undue traffic congestion, or as to burden the Town's ability to meet the needs of police, fire or other emergency services to the remainder of the Town;

4. The time, route, size, nature or location of the special event will substantially interrupt the safe and orderly movement of traffic on or contiguous to the event site or route or will disrupt the use of a public right-of-way at a time when it is usually subject to traffic congestion;

5. The size or nature of the special event will require diversion of so great a number of police officers to ensure that participants stay within the boundaries or route of the event or to protect participants in the event, as to prevent normal protection to the rest of the Town; provided that, nothing herein authorizes denial of a permit because of the need to protect participants from the conduct of others, if the applicant demonstrates through a security plan, approved in advance by the Chief of Police, that reasonable permit conditions can be imposed to allow for protection of participants with the number of police officers and/or private security available to patrol the event;

6. The location of the event will substantially interfere with any construction or maintenance work scheduled to take place on or near a public right-of-way;

7. The special event will occur at a time when a school is in session on a route or at a location adjacent to the school or class thereof, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class;

8. The special event involves the use of hazardous, combustible or flammable materials which could create a fire hazard;

9. The event, as described in the application, would violate any applicable provision of this Code or other law;

10. The applicant has failed to pay costs, fees or deposits for the proposed special event or any previous special events;

11. The applicant has failed to obtain any and all permits and approvals as required by applicable local, state, or federal law.

12. The applicant has failed to abide by the requirements of this Article or the terms or conditions of any previous special event permit for any previous event held by the applicant within the Town.

B. When grounds for denial of an application can be corrected by altering the date, time, duration, route or location of the special event, the Town Manager shall, instead of denying the application, conditionally approve the application upon the applicant's acceptance of appropriate corrective conditions or by making other reasonable modifications to the special event.

C. In the event that more than one application is received for one park, building, street, right-of-way, or facility for use on the same day, the Town Manager shall first act upon the application first received; provided, however, that in considering two or more special event applications for the same location on the same date, the following priorities shall be followed:

1. Events sponsored or cosponsored by the Town, which do not require a special event permit;

2. Events open to the general public and sponsored or cosponsored by public, parochial, or private schools and colleges; public or nonprofit entities; or local businesses;

3. Events open to the general public;

4. Events not open to the general public, but sponsored or cosponsored by public, parochial, or private schools and colleges; public or nonprofit entities; or local businesses;

5. Events not open to the general public, but composed primarily of Town residents;

6. Events not open to the general public, but composed primarily of nonresidents.

Sec. 11-9-60. Issuance.

A. Upon submission of a complete application for the special event permit, the Town Manager shall consider the applicable criteria and approve, approve with conditions, or deny the application. If the application is denied, the Town Manager shall inform the applicant in writing of the grounds for denial. If the application is approved, the Town Manager shall issue the special event permit, including any conditions.

B. The special event permit shall not be effective until such time as (1) the permittee signs and returns the permit to the Town Manager, indicating the permittee's acknowledgement of and agreement to any terms and conditions of the permit, including but not limited to the permittee's agreement to any term or condition imposed pursuant to sections 11-9-70 and 11-9-80, and (2) pays all fees required for the event.

C. Subsections (A) and (B) notwithstanding, any special events proposing to use Town-owned parking lots for paid parking, or proposing to use Town owned or leased property for a period of 3 days or longer, shall require Town Council approval prior to the Town Manager's issuance of the special event permit.

Sec. 11-9-70. Conditions.

The Town Manager may impose reasonable conditions on any special event permit necessary to protect the safety of persons and property and the control of traffic, including but not limited to:

1. Alteration of the date, time, duration, frequency, route or location of the special event;
2. Conditions concerning the area of assembly and disbanding of parades or other events occurring along the route;
3. Conditions concerning accommodation of available parking or pedestrian or vehicular traffic, including restricting the event to only a portion of a public right-of-way;
4. Requirements for the use of traffic cones, barricades, signage, or other traffic control devices to be provided, placed and removed by the permittee at its expense;
5. Requirements for arrangement of fire protection, emergency medical services, law enforcement, or private security personnel to be present at the event at the permittee's expense;
6. Requirements for provision of emergency access and first aid;
7. Requirements for use of event monitors and providing notice of permit conditions to event participants;

8. Requirements for provision of sanitary facilities;
9. Restrictions on the number and type of vehicles, animals or structures at the event and inspection and prior approval of floats, structures and decorated vehicles for fire safety;
10. Requirements for use of trash receptacles, cleanup and restoration of property;
11. Requirements for snow-removal within the event footprint and parking areas, if the event is planned for the winter months;
12. Restrictions on use of amplified sound;
13. A requirement that notice be provided to the property owners of property adjacent to the property for which the event has been proposed;
14. A requirement of subsurface utility location prior to set up of the event, particularly in instances where the application proposes large tents requiring stakes that will be driven into the ground;
15. Compliance with any applicable law and obtaining any other legally required permits or licenses, including those required by jurisdictional authorities other than the Town;
16. Designation of a contact person with decision-making authority who will be continuously available to law enforcement personnel and present at the event; and
17. Approval of the special event permit by the Town's leadership team.

Sec. 11-9-80. Insurance and liability.

In addition to any other conditions allowed by section 11-9-70, the Town Manager may, through the written special event permit, require the applicant to:

1. Possess liability insurance to protect against loss from liability imposed by law for damages for bodily injury or property damage arising from the special event. The Town Manager shall determine whether to require such insurance and the amount of insurance that shall be required, based upon the considerations routinely taken into account by the Town in evaluating loss exposures, including without limitation, whether the event poses a substantial risk of damage or injury to the attendees, the anticipated number of participants, the nature of the event and activities involved, and the physical characteristics of the proposed site or route. Such insurance, if required by the Town Manager, shall name the Town, its officers, employees and agents as additional insureds;
2. Assume the full risk of liability for all attendees engaged in, spectating, or parking at the event from any cause whatsoever, including but not limited to liability for bodily injury, death, and loss of or damage to personal property;
3. Waive, exempt, release, and discharge the Town, its officers, employees, insurers, volunteers, sponsors, and partners or representatives, from any and all claims, demands and actions of any kind for any bodily injury, personal injury,

death, property damage or other damage or loss that may occur in any way as a result of the event, regardless of whether or not caused by the act, omission, negligence or other fault of the Town, its officers, employees, or any of the other above-listed persons or entities, or any other cause; and

4. Indemnify and hold harmless the Town, its officers, employees, insurers, volunteers, sponsors, partners and representatives, from and against all liabilities, claims and demands, including any event attendee, participant, spectator, or other third-party claims for injury, death, loss, or damage resulting from or arising out of or in connection with the event or the use of property owned, leased, controlled, or maintained by the Town, including Town-owned parking lots.

Sec. 11-9-90. Duties of permittee.

A. The permittee shall comply with all terms and conditions of the special event permit.

B. The permittee shall ensure that the person leading or in charge of the event is familiar with every provision of this Article and the special event permit and carries the special event permit on his or her person for the duration of the special event.

C. Immediately following the completion of the special event, the permittee shall ensure that the area used for the special event is cleaned and restored to the same condition as existed prior to the event. If the property used for the event has not been properly cleaned or restored, the permittee shall be required to reimburse the Town for any costs incurred by the Town to restore the area.

Sec. 11-9-100. Revocation.

A. The Town Manager may, at any time prior to a special event, revoke or terminate a permit that has been issued for the event if conditions change so that the permit application could have been denied in the first instance.

B. The Town Manager or Chief of Police may revoke the permit and terminate the special event during the course of the event if continuation of the event presents an immediate or imminent danger to the health, safety or welfare of the participants or the public.

C. The Town Manager may revoke the permit and terminate the special event during the course of the event for noncompliance with any term or condition of this Article, the special event permit, or any other jurisdictional permit.

D. For events held at the Dillon Marina, the Marina Director may postpone or terminate the special event upon the Marina Director's determination that inclement weather presents an immediate or imminent danger to the health, safety or welfare of the participants or the public

Sec. 11-9-110. No rights conferred.

This Article grants no rights to and creates no property or other legal interest in any person or organization. The Town retains full control over Town-owned property and may, at its sole and exclusive discretion, issue, issue with conditions, or deny a special event permit.

Section 2. The table in Appendix 19-A of Chapter 19 of the Dillon Municipal Code is hereby amended to add a special event permit fee to offset the Town's costs in processing, reviewing, and approving applications for special event permits. The fee shall be referred to in the table as "Special Event Permit," under a new Chapter 11 subheading titled "Special Event Fees" (following "Cemetery Fees"), and shall be set as \$50.00. The Code reference to be added in the far right column shall be 11-9-40.

Section 3. The Town Manager is hereby authorized to develop an application for special event permit without further action of the Town Council, so long as the application is consistent with this Ordinance.

Section 4. If any portion of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 5. The repeal or modification of any provision of the Dillon Municipal Code this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. Repeal. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 7. Effective Date. This Ordinance shall take effect five (5) days after publication following final passage.

INTRODUCED, READ AND ORDERED PUBLISHED BY TITLE ONLY THIS 3RD DAY OF MAY, 2022.

PASSED, ADOPTED AND APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS 17th DAY OF MAY, 2022.

TOWN OF DILLON,
a Colorado municipal corporation

By: _____
Carolyn Skowyra, Mayor

ATTEST:

Adrienne Stuckey, Town Clerk